

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re HAIN CELESTIAL HEAVY METALS
BABY FOOD LITIGATION

CONSOLIDATION ORDER
No. 21-CV-0678 (JS) (AYS)

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This Document Relates to:

Gray v. Hain Celestial Group, Inc. No. 21-CV-1569

Anderson v. Hain Celestial Group, Inc. No. 21-CV-1621

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SEYBERT, District Judge:

WHEREAS, on May 13, 2021, this Court issued an Order consolidating thirteen (13) cases in this District before the undersigned in In re Hain Celestial Heavy Metals Baby Food Litigation, Case No. 21-CV-0678 (the "Consolidated Action"), wherein Plaintiffs assert claims against Defendant Hain Celestial Group, Inc. ("Hain") for violations of various state consumer protection laws and statutes arising out of allegations that Hain engaged in deceptive business practices with respect to its baby food products by failing to disclose that the products contain levels of toxic heavy metals, including arsenic, lead, cadmium, and mercury. (See Consolidation Order, ECF No. 47.)¹

WHEREAS, Hain filed a motion to consolidate two (2) additional actions pending in this District with the Consolidated

¹ Unless otherwise indicated, all docket citations refer to the docket in the Consolidated Action, Case No. 21-CV-0678.

Action, Gray v. Hain Celestial Group, Inc., No. 21-CV-1569 (the "Gray Action") and Anderson v. Hain Celestial Group, Inc., No. 21-CV-1621 (the "Anderson Action"), on the basis that the complaints allege consumer protection type claims similar or related to claims asserted in the Consolidated Action. (Hain Mot., ECF No. 48.)

WHEREAS, Hain provided notice to Plaintiffs in the Gray Action and the Anderson Action that plaintiffs in Lead Case No. 21-CV-0678 filed a motion to consolidate all pending "'baby food' lawsuits against Hain Celestial into a single proceeding in this District before" the undersigned. (See Apr. 28, 2021 Ltr., Gray Action Docket, ECF No. 7; Apr. 28, 2021 Ltr., Anderson Action Docket, ECF No. 7.)

WHEREAS, the Plaintiffs in the Gray Action and the Anderson Action did not respond or otherwise object to consolidation.

WHEREAS, the Court has reviewed the complaints filed in the Gray Action and the Anderson Action and finds that they relate to the subject matter of the Consolidated Action.

Accordingly, IT IS HEREBY ORDERED that Hain's motion to consolidate the Gray Action and the Anderson Action is GRANTED;

IT IS FURTHER ORDERED that, pursuant to the Court's Consolidation Order, the Gray Action and the Anderson Action are hereby CONSOLIDATED with the Consolidated Action and shall proceed under lead Case No. 21-CV-0678 as follows: In re Hain Celestial

Heavy Metals Baby Food Litigation, Case No. 21-CV-0678. All future filings shall be docketed in lead Case No. 21-CV-0678;

IT IS FURTHER ORDERED that, consistent with the Consolidation Order, motions to appoint interim lead counsel pursuant to Federal Rule of Civil Procedure 23(g) shall be filed within fourteen (14) days from the date of the Consolidation Order, May 13, 2021.

The Clerk of the Court is respectfully directed to (1) GRANT the motion pending at ECF No. 48; (2) docket this Order in the Consolidated Action (No. 21-CV-0678), the Gray Action (No. 21-CV-1569), and the Anderson Action (No. 21-CV-1621); and (3) administratively close and consolidate the Gray Action and Anderson Action with the Consolidated Action.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: May 18, 2021
Central Islip, New York